

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

DAMON M. LAKE,  
Plaintiffs,

v.

NRP INVESTMENTS, LLC.  
Defendants.

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CAUSE NO. 21-CV-865

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1367, 1441 and 1446, Defendant NRP Investments, LLC (“Defendant”) respectfully files this Notice of Removal, removing this civil action from the Bexar County, Texas, 150th District Court to the United States District Court for the Western District of Texas. In support of this Notice of Removal, Defendant states as follows:

**BACKGROUND AND PROCEDURAL HISTORY**

1. On July 27, 2021, Plaintiff Damon Lake (“Plaintiff”) filed a civil action against Defendant in the Bexar County, Texas, 150th District Court, captioned “*Damon M. Lake v. NRP Investments, LLC*,” and appearing on that court’s docket as Case No. 2021CI15053 (the “State Court Action”).

2. Defendant, NRP Investments, LLC, received service of the Complaint and Summons in the State Court Action on August 19, 2021. A true and correct copy of the Summons and Complaint served upon Defendant is attached hereto as part of the State Court file which is marked Exhibit 1.

3. Plaintiff’s Complaint sets forth four causes of action including Race Discrimination and Sex Discrimination under Section 1981 and Title VII. [See Ex. 1, Complaint, ¶¶11-15].

PROPRIETY OF REMOVAL: FEDERAL QUESTION JURISDICTION

4. This Court has original jurisdiction over Plaintiff's federal Section 1981 and Title VII claims in this civil action pursuant to 28 U.S.C. § 1331, and supplemental jurisdiction over Plaintiff's remaining state law claims.

5. Accordingly, Plaintiff's Complaint is properly removable to this Court pursuant to 28 U.S.C. § 1441(a).

PROPRIETY OF REMOVAL: DIVERSITY JURISDICTION

6. Plaintiff is a resident of San Antonio, Texas, and a citizen of Texas. [See Ex. 1, Complaint, ¶2].

7. Defendant is incorporated under the laws of the State of Ohio with its principal place of business in Cleveland, Ohio.

8. Plaintiff is claiming, as damages, among other things, "compensatory and punitive damages of \$1,000,000.00" [See Ex. 1, Complaint, ¶18(f)]. This claim for damages exceeds \$75,000.00

9. This Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332 because Plaintiff is a citizen of Texas, Defendant is not a citizen of Texas, and the amount in controversy exceeds \$75,000.00.

10. Because this Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332, Defendant may remove the State court Action to this Court pursuant to 28 U.S.C. § 1441(b).

VENUE

11. Venue for this removed action is proper in the San Antonio Division of the United States District Court for the Western District of Texas because the territorial jurisdiction of this Court includes the Bexar County, Texas, 150th District Court in which Plaintiff filed his complaint.

12. Removal to this particular Court is therefore proper pursuant to 28 U.S.C. § 1446(a).

COMPLIANCE WITH REMOVAL PROCEDURES

13. Pursuant to 28 U.S.C. § 1446(a), all papers served on Defendant in the State Court Action (Exhibit 1) are being filed herewith.

14. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days of Defendant's receipt of the Summons and Complaint on August 19, 2021.

15. Defendant is filing a Notice of Filing Notice of Removal in the Bexar County 150th District Court contemporaneously with the filing of this Notice of Removal, as required by 28 U.S.C. § 1446(d). A true and correct copy of Defendants' Notice of Filing Notice of Removal is attached hereto as Exhibit 2.

16. Defendant will provide prompt written notice to Plaintiff that Defendant has filed this Notice of Removal in accordance with 28 U.S.C. § 1446(d).

**WHEREFORE**, Defendant respectfully requests that this Notice effect removal of the above-captioned case from the Bexar County 150th District Court to this Court.

Respectfully submitted,

/s/ Richard G. Garza

Richard G. Garza

Texas Bar No. 07737200

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*Attorney for Defendant NRP Investments, LLC*

**CERTIFICATE OF SERVICE**

I certify that on September 13, 2021, I electronically filed the foregoing “*Notice of Removal.*” All parties and counsel will receive service of this filing through the Court’s electronic filing system and may access the filing through the Court’s system. I further certify that I have served, by regular prepaid first class U.S. Mail and via email this same day, a copy of the foregoing upon:

Damon M. Lake  
323 E. Carson St. #8  
San Antonio, Texas 78208  
damon.lake29@gmail.com  
*Pro se Plaintiff*

/s/ Richard G. Garza  
Richard G. Garza